

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**KIMBERLY C. CUTONE and
ANTHONY CUTONE,**

Plaintiffs,

v.

ELI LILLY AND COMPANY, et al.,

Defendants.

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Civil Action No.: 1:04-cv-12725-JLT/MBB

JOINT MOTION TO STAY THE CASE FOR A PERIOD OF SIX (6) MONTHS

COME NOW the parties, by and through counsel, and hereby moves the Court to enter an Order to stay this matter for a period of six (6) months, and as grounds therefor states:

1. This is a products liability/personal injury case arising from plaintiff Kimberly Cutone's *in utero* exposure to diethylstilbestrol ("DES"). Among the injuries Ms. Cutone claims as a result of her *in utero* exposure to DES are infertility and the inability to carry a pregnancy to term.

2. As of this date, plaintiffs' counsel has been advised by Ms. Cutone that she has recently become pregnant. After consultation with counsel for the defendant, all parties believe that, given the uncertainties surrounding the potential outcome of Ms. Cutone's pregnancy, the interests of justice and economy would best be served by staying this matter for a period of six (6) months.

WHEREFORE, the parties respectfully request the Court enter an Order staying the case for a period of six (6) months.

Respectfully submitted,

TODD & WELD LLP

FOLEY HOAG LLP

/s/ Erica Tennyson

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Dated: October 18, 2006

/s/ Brian L. Henninger

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Attorneys for Eli Lilly and Company

CERTIFICATE OF SERVICE

I, Erica Tennyson, hereby certify that this Joint Motion to Stay the Case for a Period of Six (6) Months filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 18, 2006.

/s/ Erica Tennyson

Erica Tennyson

Respectfully submitted,

TODD & WELD LLP

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CERTIFICATE OF SERVICE

I, Erica Tennyson, hereby certify that this Proposed Order on the Joint Motion to Stay the Case for a Period of Six (6) Months filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 18, 2006.

/s/ Erica Tennyson _____
Erica Tennyson